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10 **UNITED STATES BANKRUPTCY COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION**

12 In re

13 **WILBUR BURTUM HINES,**  
14  
15 Debtor.

Case No.12-54783-meh

Chapter 13

R.S. No. ALG - 489

16 **DECLARATION Nhung Nguyen**  
17 **IN SUPPORT OF MOTION FOR**  
18 **RELIEF FROM AUTOMATIC STAY**

19 **Hearing:**

Date: August 17, 2017

Time: 1:00 pm

Place: 3020

280 South First Street, Room 3035  
San Jose, CA 95113-3099

22 I, Nhung Nguyen, declare under penalty of perjury as follows:

23 1. I am a/an Vice President Loan Documentation of Wells Fargo Bank, N.A. ("Wells  
24 Fargo") and am authorized to sign this declaration on behalf of Wells Fargo. This declaration is  
25 provided in support of the Motion for Relief from Stay (the "Motion") filed contemporaneously  
26 herewith.

27 2. As part of my job responsibilities for Wells Fargo, I have personal knowledge of  
28 and am familiar with the types of records maintained by Wells Fargo in connection with the

1 account that is the subject of the Motion (the "Account") and the procedures for creating those  
2 types of records. I have access to and have reviewed the books, records and files of Wells Fargo  
3 that pertain to the Account and extensions of credit given to the Debtor concerning the property  
4 securing such Account.

5 3. The information in this declaration is taken from Wells Fargo's business records  
6 regarding the Account. The records are: (a) made at or near the time of the occurrence of the  
7 matters recorded by persons with personal knowledge of the information in the business record,  
8 or from information transmitted by persons with personal knowledge; and (b) kept in the course  
9 of Wells Fargo's regularly conducted business activities. It is the regular practice of Wells Fargo  
10 to create and maintain such records.

11 4. The Debtor Wilbur B Hines has executed and delivered or is otherwise obligated  
12 with respect to the attached promissory note (the "Debt Agreement"). Debtor(s) executed a  
13 promissory note (the "Debt Agreement") secured by a mortgage or deed of trust. The Debt  
14 Agreement is made payable to Creditor or its successor. Creditor, or its successor, has possession  
15 of the Debt Agreement. Creditor, or its successor, is the original mortgagee or beneficiary of the  
16 mortgage or deed of trust. On or about December 31, 2007, World Savings Bank, FSB ("WSB")  
17 charter and bylaws were amended to change its name to Wachovia Mortgage, FSB  
18 ("Wachovia"). On or about November 1, 2009, Wachovia converted to a national bank with the  
19 name Wells Fargo Bank Southwest National Association ("WFBSW"). On the same date,  
20 WFBSW merged with and into Wells Fargo Bank, National Association.

21 5. As of July 10, 2017, there are one or more defaults in paying post-petition  
22 amounts due with respect to the Debt Agreement.

23 6. As of July 10, 2017, the unpaid principal balance of the Debt Agreement is  
24 \$453,931.09.

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2 7. The following chart sets forth those post-petition payments, due pursuant to the  
3 terms of the Debt Agreement, that have been missed by the Debtor as of July 10, 2017:

4 Number of 5 Missed 6 Payments	From	To	Missed Principal and Interest	Missed Escrow (if applicable)	Monthly Payment Amount	Total Amounts Missed
7 1	7/1/2016	7/1/2016	\$2,488.57	\$452.55	\$2,941.12	\$2,941.12
8 8	8/1/2016	3/1/2017	\$2,517.48	\$452.55	\$2,970.03	\$23,760.24
9 4	4/1/2017	7/1/2017	\$2,517.48	\$749.06	\$3,266.54	\$13,066.16
10 Less post-petition partial payments (suspense balance):						(\$1,860.90)

11 **Total: \$37,906.62**

12 8. As of July 10, 2017, the total post-petition arrearage/delinquency and amount  
13 necessary to cure the post-petition default alleged in the Motion is \$38,056.62, consisting of (i)  
14 the foregoing total of missed post-petition payments in the amount of 37,906.62, plus (ii) the  
15 following post-petition fees:<sup>1</sup>

17 Description	Amount
18 Atty fee	\$150.00

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25 <sup>1</sup> The total of missed post-petition payments for this impounded loan include any missed escrow payments. Such  
26 missed escrow payments include amounts assessed for taxes and insurance and any previously assessed escrow  
27 shortage amount (if applicable). To avoid duplication, post-petition advances (if any) made for insurance, real  
28 estate taxes, or similar charges are not listed separately to the extent such advances would have been paid from  
the missed escrow payments. As part of the next annual RESPA analysis, Wells Fargo will determine whether  
the escrow payments assessed to the debtor (including the missed escrow payments) result in a projected escrow  
shortage or overage. All rights are hereby reserved to assert or request any escrow amounts in accordance with  
RESPA and the total post-petition arrearage/delinquency is qualified accordingly.

1           9.     The timing and/or amount of Debtor payments changed because an ARM  
2 adjustment and/or escrow adjustment and/or interest rate adjustment. Wells Fargo caused written  
3 notice of this changed amount to be provided to the debtor.

4           10.    The following documents are attached as exhibits and incorporated herein by  
5 reference:

6           (a)    Attached hereto as Exhibit A is a true and correct copy of the Debt  
7 Agreement.


8           (b)    Attached hereto as Exhibit B is a true and correct copy of the Security  
9 Instrument.

10          (c)    Attached hereto as Exhibits C and D are true and correct copies of the  
11 documents evidencing the name change and mergers from World Savings  
12 Bank, FSB, with and into Wells Fargo Bank, N.A.

13          (d)    Attached hereto as Exhibit E is a complete post-petition payment history.

14          (e)    Attached hereto as Exhibit F is an addendum listing all fees and charges  
15 assessed to the account of the Debtor post-petition.

16           I hereby declare under penalty of perjury under the laws of the United States of America  
17 that the foregoing is true and correct. Executed this 20th day of July, 2017 at, Fort Mill, South  
18 Carolina.

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20 Print Name: Nhung Nguyen  
21 Title: Vice President Loan Documentation  
22 Wells Fargo Bank, N.A.  
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